

1 MICHAEL JAY BERGER (State Bar # 100291)
2 LAW OFFICES OF MICHAEL JAY BERGER
3 9454 Wilshire Boulevard, 6th Floor
4 Beverly Hills, California 90212
T: (310) 271.6223 |
F: (310) 271.9805
E: Michael.Berger@bankruptcypower.com

5 Proposed Counsel for Debtor-in-Possession
6 Mr. Tortilla, Inc.

7 UNITED STATES BANKRUPTCY COURT
8 CENTRAL DISTRICT OF CALIFORNIA - SAN FERNANDO VALLEY DIVISION

9
10 In re:) CASE NO.: 1:24-BK-10228-VK
11 Mr. Tortilla, Inc.) Chapter 11
12 Debtor-in-Possession.)
13) **DECLARATION OF YATHIDA**
14) **NIPHA REGARDING SERVICE BY**
15) **EMAIL OF THE (1) DEBTOR'S**
16) **NOTICE OF MOTION AND MOTION**
17) **IN CHAPTER 11 CASE FOR ORDER**
18) **AUTHORIZING DEBTOR TO**
19) **PROVIDE ADEQUATE ASSURANCE**
20) **OF PAYMENT TO UTILITY**
21) **SERVICE PROVIDERS [11 U.S.C. §**
22) **366] (2) NOTICE OF HEARING ON**
23) **THE UTILITIES MOTION; (3)**
24) **ORDER SETTING THE UTILITIES**
25) **MOTION FOR HEARING; AND (4)**
26) **SUPPLEMENTAL ZOOM NOTICE**
27) **OF HEARING**
28)

Date February 29, 2024
Time: 1:30 p.m.
Ctrm: 301 [via ZoomGov]
Place: 21041 Burbank Blvd., 3rd Floor
Woodland Hills, CA 91367

1 **DECLARATION OF YATHIDA NIPHA**

2 I, Yathida Nipha, declare as follows:

3 1. I am currently employed by Law Offices of Michael Jay Berger as a
4 paralegal. I am over the age of 18 and not a party to the within action. My business
5 address is 9454 Wilshire Blvd., 6th Floor, Beverly Hills, California 90212. I have
6 personal knowledge of the facts set forth herein and if called as a witness, I could and
7 would competently testify to those facts in a court of law.

8 2. On February 22, 2024, at 11:54 a.m. p.m., I emailed the Debtor's (1)
9 Emergency Motion In Chapter 11 Case For Order Authorizing Debtor To Provide
10 Adequate Assurance Of Payment To Utility Service Providers [11 U.S.C. § 366]
11 ("Utilities Motion"); (2) Notice of Hearing on the Utilities Motion; (3) Supplemental
12 Zoom Notice of the Utilities Motion; and (4) Orders Setting the Utilities Motion for
13 hearing on the following parties:
14

15 U.S. Trustee:
16 Katherine Bunker
17 kate.bunker@usdoj.gov

18 SoCalGas
19 customerservice@socalgas.com

20 Republic Services
21 ccet@republicservices.com

22 Southern California Edison
23 netbill@sce.com

1 **SECURED CREDITORS:**

2 8FIG Advance

3 Attn: Legal Dept.

4 legal@8fig.com;

5 mstout@pandfieldstout.com

6 Amazon Capital Services:

7 Attn: Lauren Dorsett & Michael Gearin

8 laurendorsett@dwt.com

9 mike.gearin@klgates.com

10 Blue Bridge Financial

11 Attn: Legal Dept.

12 Legal@bluebridgefinancial.com

13 Bluevine

14 Attn: Officer

15 Support@bluevine.com

16 jcarney@pandbcapitalgroup.com

17 Cedar Advance

18 Attn: Simon Cedar

19 simon@cedaradvance.com

20 Corporation Service Company

21 SPRFiling@cscglobal.com

22 CT Corporation

23 uccfilingreturn@wolterskluwer.com

24 Fasanara Securitisation S.A. Acting

25 info@northdata.com

26 Financial Pacific Leasing

27 Attn: Allison Sweet

28 ASweet@FinPac.com

29 First Corporate Resolution

30 SPRS@FICOSO.COM

31 Huntington Valley Bank

32 Attn: Erin

33 erin@braavobank.com

34 Mercury Capital

35 info@mcaadv.com

1 Metropolitan Capital Bank & Trust

2 Attn: Jeffrey Brown

3 rrabin@thompsoncoburn.com ; jbrown@thompsoncoburn.com; chanson@thompsoncoburn.com

4 Parkside Funding Group LLC

5 Attn: Adriana Harris

6 Adriana@nomasrecovery.com

7 Partners Personnel Management Services, LLC

8 Attn: Cherly Carty

9 CCarty@espererholdings.com

10 Robert Reiser and Company

11 uccfilingreturn@wolterskluwer.com

12 Sand Park Capital

13 Attn: Simon Cedar

14 simon@cedaradvance.com

15 Sellers Funding

16 Attn: Officer

17 osaro@sellersfi.com

18 Shopify Capital

19 Legal@bluebridgefinancial.com; customercare@webbank.com

20 Slope Advance

21 Attn: Ashish Jain

22 ashish@slope.com

23 Spartan Capital

24 Attn: Jason Gang

25 jason@jasongang.com

26 Stor RB One Limited

27 uccfilingreturn@wolterskluwer.com

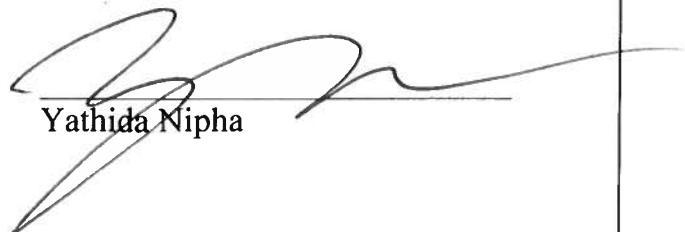
28 U.S. Business Administration

29 Attn: Elan Levey

30 elan.levey@usdoj.gov

1 I declare under penalty of perjury that the foregoing is true and correct. Executed
2 this 22nd day of February 2024, at Beverly Hills, California.
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By:


Yathida Nipha

Yathida Nipha

To: 'kate.bunker@usdoj.gov'; 'customerservice@socalgas.com'; 'netbill@sce.com'; 'ccet@publicservices.com'; 'legal@8fig.com'; 'laurendorsett@dwt.com'; 'mike.gearin@klgates.com'; 'Legal@bluebridgefinancial.com'; 'Support@bluevine.com'; 'simon@cedaradvance.com'; 'SPRFiling@cscglobal.com'; 'uccfilingreturn@wolterskluwer.com'; 'info@northdata.com'; 'ASweet@FinPac.com'; 'SPRS@FICOSO.COM'; 'erin@braavobank.com'; 'info@mcadv.com'; 'rrabin@thompsoncoburn.com'; 'jbrown@thompsoncoburn.com'; 'Adriana@nomasrecovery.com'; 'CCAnty@espererholdings.com'; 'osaro@sellersfi.com'; 'ashish@slope.com'; 'jason@jasongang.com'; 'elan.levey@usdoj.gov'

Cc: Sofya Davtyan; Michael Berger

Subject: RE: Mr. Tortilla, Inc. Hearing on Utilities Motion Set for 2/29/2024 at 1:30 p.m.

From: Yathida Nipha

Sent: Thursday, February 22, 2024 11:54 AM

To: 'kate.bunker@usdoj.gov' <kate.bunker@usdoj.gov>; 'customerservice@socalgas.com' <customerservice@socalgas.com>; 'netbill@sce.com' <netbill@sce.com>; 'ccet@publicservices.com' <ccet@publicservices.com>; 'legal@8fig.com' <legal@8fig.com>; 'laurendorsett@dwt.com' <laurendorsett@dwt.com>; 'mike.gearin@klgates.com' <mike.gearin@klgates.com>; 'Legal@bluebridgefinancial.com' <Legal@bluebridgefinancial.com>; 'Support@bluevine.com' <Support@bluevine.com>; 'simon@cedaradvance.com' <simon@cedaradvance.com>; 'SPRFiling@cscglobal.com' <SPRFiling@cscglobal.com>; 'uccfilingreturn@wolterskluwer.com' <uccfilingreturn@wolterskluwer.com>; 'info@northdata.com' <info@northdata.com>; 'ASweet@FinPac.com' <ASweet@FinPac.com>; 'SPRS@FICOSO.COM' <SPRS@FICOSO.COM>; 'erin@braavobank.com' <erin@braavobank.com>; 'info@mcadv.com' <info@mcadv.com>; 'rrabin@thompsoncoburn.com' <rrabin@thompsoncoburn.com>; 'jbrown@thompsoncoburn.com' <jbrown@thompsoncoburn.com>; 'Adriana@nomasrecovery.com' <Adriana@nomasrecovery.com>; 'CCAnty@espererholdings.com' <CCAnty@espererholdings.com>; 'osaro@sellersfi.com' <osaro@sellersfi.com>; 'ashish@slope.com' <ashish@slope.com>; 'jason@jasongang.com' <jason@jasongang.com>; 'elan.levey@usdoj.gov' <elan.levey@usdoj.gov>

Cc: Sofya Davtyan <Sofya.Davtyan@bankruptcypower.com>; Michael Berger <Michael.Berger@bankruptcypower.com>

Subject: Mr. Tortilla, Inc. Hearing on Utilities Motion Set for 2/29/2024 at 1:30 p.m.

To the United States Trustee, Secured Creditors and Utility Service Providers:

PLEASE TAKE NOTICE that the hearing on Debtor's Emergency Motion In Chapter 11 Case for Order Authorizing Debtor To Provide Adequate Assurance of Payment to Utility Service Providers [11 U.S.C. § 366] will take place on **February 29, 2024 at 1:30 p.m.** in Courtroom 301 of the above-referenced Courthouse located at 21041 Burbank Blvd., 3rd Fl., Woodland Hills, California 91367.

PLEASE TAKE FURTHER NOTICE that any oppositions and replies may be made orally at the hearing. Attached with this email please find, 1. Utilities Motion, 2. Notice of Hearing, 3. Supplemental Notice of Hearing; and 4. Order Setting Hearing on Shortened Notice.

Join CACB ZoomGov Meeting Video/audio web address:

<https://cacb.zoomgov.com/j/1618218496>

Meeting ID: 161 821 8496

Password: 088603

Join by Telephone

Telephone conference lines: 1-669-254-5252 OR 1-646-828-7666

Meeting ID: 161 821 8496

Password: 088603

Thank you,

Yathida Nipha-Roshan

Paralegal to Attorney Sofya Davtyan

Law Offices of Michael Jay Berger

9454 Wilshire Boulevard, 6th Floor

Beverly Hills, CA 90212-2929

Tel. (310) 271-6223

Fax (310) 271-9805

Website www.bankruptcypower.com

CONFIDENTIALITY NOTICE: The following message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by replying to the sender of this communication or by telephone at (310) 271-6223.

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
9454 Wilshire Blvd., 6th Fl., Beverly Hills, CA 90212

A true and correct copy of the foregoing document entitled (*specify*): **DECLARATION OF YATHIDA NIPHA REGARDING SERVICE BY EMAIL OF THE (1) DEBTOR'S NOTICE OF MOTION AND MOTION IN CHAPTER 11 CASE FOR ORDER AUTHORIZING DEBTOR TO PROVIDE ADEQUATE ASSURANCE OF PAYMENT TO UTILITY SERVICE PROVIDERS [11 U.S.C. § 366] (2) NOTICE OF HEARING ON THE UTILITIES MOTION; (3) ORDER SETTING THE UTILITIES MOTION FOR HEARING; AND (4) SUPPLEMENTAL ZOOM NOTICE OF HEARING** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) 2/22/2024, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Debtor's Proposed Counsel: Michael Jay Berger michael.berger@bankruptcypower.com,
vathida.nipha@bankruptcypower.com; michael.berger@ecf.inforuptcy.com
U.S. Trustee: Katherine Bunker kate.bunker@usdoj.gov
United States Trustee (SV) ustpregion16.wh.ecf@usdoj.gov

Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (date) _____, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on 2/22/2024, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Honorable Victoria Kaufman
United States Bankruptcy Court
Central District of California
21041 Burbank Boulevard, Suite 354 / Courtroom 301
Woodland Hills, CA 91367 United States Bankruptcy Court

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

2/22/2024 Date	Peter Garza Printed Name	/s/Peter Garza Signature
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This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.